

ECF Administrative Procedures Manual

Electronic Means for Filing, Signing and
Verification of Documents

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI



November 18, 1997

UPDATED SEPTEMBER, 1999

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ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM (“System”)

A. Designation of Cases

Beginning October 1, 1999 all cases shall be assigned to the Electronic Filing System.

B. Passwords

Each attorney admitted to practice in this Court and currently in good standing shall be entitled to one System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other documents in accordance with the System.

Registration for a password is governed by paragraph I.C.

C. Registration

1. A registration form, in the form attached, shall be submitted for each attorney. The attached form may be duplicated for use.
2. All registration forms shall be mailed or delivered to the Office of the Clerk, Charles Evans Whittaker United States Courthouse, Room 2710, 400 East Ninth St., Kansas City, Missouri 64106; ATTN: Attorney Admissions; or Office of the Clerk, 1400 U.S. Courthouse, 222 John Q. Hammons Parkway, Springfield, MO 65806 or Office of the Clerk, P. O. Box 1340, Jefferson City, MO 65102.
3. Each attorney registering for the System will receive an internet e-mail message after their password has been assigned. This is to insure that the attorney’s internet e-mail address has been entered correctly in the CM/ECF system. The password information will then either be mailed to the attorney by regular, first-class mail; or the attorney may arrange to pick-up their password at the Office of the Clerk.
4. Attorneys may find it desirable to change their court assigned passwords periodically. This can be done by contacting the Office of the Clerk, Systems Department. In the event that an attorney believes that the security of an existing password has been compromised and that a threat to the System exists, the attorney shall give immediate notice by telephonic means to the Clerk of Court, Chief Deputy Clerk or Systems Department Manager and confirm by facsimile in order to prevent access to the System by use of that password.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing

1. Except as expressly provided for in paragraph III.A., below, all documents required to be filed with the Court in connection with a case assigned to the System shall be electronically filed on the System.
2. All documents which form part of a pleading and which are being filed at the same time and by the same party may be electronically filed together under one docket number, e.g., the motion and a supporting affidavit, with the exception of suggestions in support. Suggestions in support should be electronically filed separately and shown as a related document to the motion.
3. **If the document you wish to file requires leave of court such as an amended complaint or a document to be filed out of time, the proposed document shall be attached as an exhibit to the motion. If your motion is granted, the order will direct you to electronically file it with the court.**

B. Options for Filing a Complaint:

1. **If you file your complaint before 2:00 p.m., present the Clerk's office with a Civil Cover Sheet (JS-44c) and that portion of the complaint which lists the case party information and a check or money order in the amount of \$150.00. The Clerk will open your case and notify you by phone that your case is open and is available for you to electronically file your complaint**

OR

2. **You may present us with a Civil Cover Sheet (JS-44c), check or money order for \$150.00 and your complaint in adobe .pdf format on a disk. This is an option always available to you, BUT IS MANDATORY AFTER 2:00 P.M.**

C. Service

1. The electronic Case File system will generate a "Notice of Electronic Filing" when any document is filed. The filing party is obligated to serve this "Notice of Electronic Filing" upon all other parties at that time. This service can be accomplished by e-mail. In addition, a paper copy of the electronically filed pleading or other document shall be (I) sent to the chambers of the presiding judge in the case, together with a copy of the "Notice of Electronic Filing" unless and until the judge assigned to the case

orders otherwise, and (II) served on those parties not designated or able to receive electronic notice but nevertheless entitled to notice of said pleading or other document in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Western District of Missouri except as otherwise provided by order of the Court. If such service of a paper copy is to be made, it shall be done in the manner provided in the Federal Rules of Civil Procedures and the Local Rules of the Western District of Missouri.

2. Except as provided in Paragraph III.B., below, for paper documents or documents filed on 3.5 inch floppy disk, the filing party shall not be required to serve any pleading or other documents (other than the "Notice of Electronic Filing" generated by the System) on any party entitled to electronic notice.

D. Signatures; Affidavits of Service

1. Documents which must contain original signatures or which require either verification or an unsworn declaration under any rule or statute, shall be filed electronically with originally executed copies maintained by the filer. The pleading or other document electronically filed shall indicate a signature, e.g., "s/Jane Doe".
2. In the case of a stipulation or other document to be signed by two or more persons, the following procedure should be used:
 - (a) The filing party or attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the physical signatures of all parties on the document.
 - (b) The filing party or attorney then shall file the document electronically, indicating the signatories, e.g., "s/Jane Doe," "s/John Doe," etc.
 - (c) The filing party or attorney shall retain the hardcopy of the document containing the original signatures as provided by paragraph 4(b) of the Court En Banc Order of November 6, 1997.
 - (d) No later than the first business day after the document has been electronically filed, each person required to sign the document shall file a Notice of Endorsement of the document. The document shall be deemed fully executed upon the filing of all Notices of Endorsement that are due.

E. Fees Payable to the Clerk

For filings that require a fee, application for authorization of credit card payment may be made with the financial officer of the Office of the Clerk.

F. Orders

All signed orders shall be filed electronically by either the presiding judge in the case or the office of the Clerk.

PROPOSED ORDERS PROCEDURE

A document that is submitted in .pdf format cannot be modified, therefore, a proposed order must be in a word processing format. To accomplish that, all proposed orders must be e-mailed to the courtroom deputy for the presiding judge in your case IN WORDPERFECT FORMAT which is available in most word processing software. Please attach your proposed order to an internet e-mail sent to the appropriate courtroom deputy as listed below:

Chief Judge D. Brook Bartlett	Tina Duer	<u>tina.duer@mow.uscourts.gov</u>
Judge Dean Whipple	Yvonne Johnson	<u>yvonne.johnson@mow.uscourts.gov</u>
Judge Fernando Gaitan, Jr.	Rhonda Enss	<u>rhonda.enss@mow.uscourts.gov</u>
Judge Ortrie Smith	Eva Will-Fees	<u>eva.will-fees@mow.uscourts.gov</u>
Judge Gary Fenner	Tracy Diefenbach	<u>tracy.diefenbach@mow.uscourts.gov</u>
Judge Nanette Laughrey	Renea Kanies	<u>renea.kanies@mow.uscourts.gov</u>
Judge Russell Clark	Glenda Elayer	<u>glenda.elayer@mow.uscourts.gov</u>
Judge Scott Wright	Carolyn Morrison	<u>carolyn.morrison@mow.uscourts.gov</u>
Judge Howard Sachs	Rita Riley	<u>rita.riley@mow.uscourts.gov</u>
Chief Magistrate John Maughmer	Francine Lavenbarg	<u>francine.lavenbarg@mow.uscourts.gov</u>
Magistrate James England	Janis McBurney	<u>janis.mcburney@mow.uscourts.gov</u>
Magistrate William Knox	Jackie Price	<u>jackie.price@mow.uscourts.gov</u>
Magistrate Robert Larsen	Sue Anderson	<u>sue.anderson@mow.uscourts.gov</u>
Magistrate Sarah Hays	JoRita Gicinto	<u>jorita.gicinto@mow.uscourts.gov</u>
Prisonr Pro Se	Dana Weinzerl	<u>dana.weinzerl@mow.uscourts.gov</u>

In addition, if you have any questions regarding your case, you may direct your inquiry via e-mail to the appropriate courtroom deputy whose address is listed above.

G. Title of Docket Entries

The person electronically filing a pleading or other document will be responsible for designating a title for the document by using one of the categories contained in the attached Listing of Events.

III. CONVENTIONAL FILING OF DOCUMENTS

- A. Conventional Filings.** The following documents shall be filed conventionally and not electronically unless specifically authorized by the Court:
1. Transcripts;
 2. Document(s) to be filed under seal. However, a motion to file documents under seal shall be filed electronically. The order of the Court authorizing the filing of such document(s) under seal shall be filed electronically by the presiding judge and shall indicate that the motion to file documents under seal has been "so ordered" in accordance with Paragraph II.E., above. A paper copy of the order shall be attached to the document(s) under seal and be delivered to the Office of the Clerk; and
 3. Exhibits to filed documents, such as leases, notes and the like, which are not available in electronic form. However, exhibits to filed documents can be electronically imaged and filed using Portable Document Format (PDF). Whenever possible, the attorney should extract and file electronically the relevant portions of conventionally produced documents.

B. Service of Conventional or 3.5 Inch Floppy Disk Filings

Pleadings or other documents which are filed conventionally or on 3.5 inch floppy disk rather than electronically shall be served in the manner provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of Civil Procedure and the Local Rules of the Western District of Missouri except as otherwise provided by order of the Court.

IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Internet Access without a Password

Any person or organization other than those referred to in paragraph I.B.1. may access the System at the Court's Internet site at <http://ecf.mowd.uscourts.gov>. Such access to the System through the Internet site will allow retrieval of the docket sheet and documents on a time delayed basis. Unless a user has a Password, access to the System will be on a "read only" basis.

B. Public Access at the Court

For your convenience, a public terminal and scanner has been set up at the intake counters in every divisional office. If you bring us paper you will be asked to scan your document onto a disk. Any disks provided to the court must be properly labeled with the case number, style of case, filer, date, brief description of document, and attorney. This will also provide

electronic access to the documents filed in the system and to the system docket in the Office of the Clerk, for viewing during regular business hours, Monday through Friday.

C. Conventional Copies and Certified Copies

Conventional copies and certified copies of the electronically filed documents may be purchased at the Office of the Clerk, during business hours Monday through Friday. The fee for copying and certification will be in accordance with 28 USC section 1930.

V. Technical Failures

The Clerk shall deem the W.D.MO. Public Web site to be subject to a technical failure on a given day if the Site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon that day, in which case filings due that day which were not filed due solely to such technical failures shall become due the next business day. Such delayed filings shall be rejected unless accompanied by a declaration or affidavit attesting to the filing person's failed attempts to file electronically at least two times after 12:00 p.m. separated by at least one hour on each day of delay due to such technical failure. If you have questions about ECF, please call our Help Desk at 1-800-466-9302.

CM/ECF DOCUMENT TYPE TABLES FOR ATTORNEYS

Motions

Motion for TRO
Motion for appointment of counsel
Motion for attorney fees
Motion for certificate of appealability
Motion for class certification
Motion for consent judgment
Motion for default
Motion for disbursement/distribution
Motion for excess pages
Motion for extension of time
Motion for extension of time to answer amended complaint
Motion for extension of time to answer complaint
Motion for extension of time to answer third-party complaint
Motion for extension of time to complete discovery
Motion for forfeiture
Motion for leave to file
Motion for leave to proceed in forma pauperis
Motion for more definite statement
Motion for new trial
Motion for order
Motion for order to show cause
Motion for partial summary judgment
Motion for permanent injunction
Motion for preliminary injunction
Motion for protective order
Motion for reconsideration
Motion for sanctions
Motion for separate mental examination
Motion for summary judgment
Motion for verdict as a matter of law (directed)
Motion for writ
Motion in limine
Motion to alter/amend
Motion to amend
Motion to change/transfer venue
Motion to clarify
Motion to compel
Motion to consolidate cases
Motion to continue
Motion to dismiss case
Motion to dismiss party
Motion to disqualify judge
Motion to enforce
Motion to exclude
Motion to intervene
Motion to invest funds
Motion to lift stay
Motion to produce
Motion to quash
Motion to remand case
Motion to seal case
Motion to seal document
Motion to set aside document
Motion to sever
Motion to stay
Motion to strike
Motion to substitute party
Motion to unseal case
Motion to unseal document
Motion to vacate (2255)
Motion to withdraw document
Motion to withdraw/substitute attorney

Answers and Responses

Answer to Complaint

Answer to complaint
Answer to amended complaint
Answer to complaint (intervenor)
Answer to counterclaim
Answer to social security complaint
Answer to third-party complaint
Answer and third-party complaint
Answer and counterclaim

Answer to cross claim

Answer and cross claim

Responses and Replies to Motion

Objections to report and recommendation
Reply suggestions

Response to motion
Suggestion in opposition

Other Answers

Amended answer
Answer to notice of removal
Appellants brief
Appellants reply brief
Appellees brief
Defendants social security brief
Objections to bill of costs

Plaintiffs social security brief
Plaintiffs social security reply brief
Reply to objections to bill of costs
Response to order
Response to reply to obj to bill of costs
Suggestions in support

Service of Process

Return of service
Return of service of complaint executed

Return of service of complaint unexecuted
Waiver of summons received

Notices

Address change notice
Attorney appearance
Certificate of service
Certificate of service of Initial Rule 26 disclosures
Certificate of transmission of deposition
Judgment satisfaction
Lis Pendens
Notice of appeal to Circuit Court
Notice of magistrate assignment returned

Notice of deposition
Notice of endorsement
Notice of filing bankruptcy
Notice of publication
Proposed bill of costs
Settlement notice
Status report
Suggestions of death

Trial

Designation
Jury demand
Proposed exhibit list
Proposed findings of fact

Proposed jury instructions
Proposed voir dire
Proposed witness list
Trial brief

Other

Acknowledgment
Affidavit/Declaration
Appeal to district court judge
Civil cover sheet
Consent to proceed before magistrate
Deposition notice
Memorandum
Motion letter
Notice of filing
Petition for writ of habeas corpus
Petition for mental status

Proposed scheduling order
Psychological evaluation
Reply suggestion letter
Sealed document
Status report Traverse
Stipulation
Stipulation of dismissal
Submission of administrative record
Suggestions in opposition letter
Supplement
Supplemental social security transcript